SUBJECT No. 30.

Amendment of Stamp Act.

Mr. Linge Gowda, Mysore Taluk.

Summary of discussion.—The stamp fees on hypothecation, mortgage and sale deeds the subject-matter of which does not exceed Rs. 25 and 50 in value, may be reduced to two annas and four annas respectively.

Reply of Government.—No change is desirable.

JUDICIAL.

(*Nos. 31 to 67.*)

SUBJECT No. 31.

(*a*) Munsiff Magistrates.
(*b*) Circuit Magistrates.

Messrs. K. Shankarnarayana Rao, Nagar Sabha; S. R. Balakrishna Rao, Shimoga Municipality; C. Nagappa, Nagar Taluk; Ramaswamiengar, Hassan Taluk and Kesavaiengar, Belur Taluk.

Summary of discussion.—(*a*) I. The experiment now tried of investing Munsiffs with magisterial powers and relieving the Amildars of their magisterial functions is not likely to prove quite successful, as the Munsiffs may not be able to do full justice to both civil and criminal work and will be unable to avail themselves of the mid-summer vacation.

The experiment may be tried in a better way by investing Sub-Registrars of the higher grades with magisterial powers or by appointing stationary Sub-Magistrates from among the members of the Bar who are Graduates in law.

Taluk Amildars in charge of the district head-quarter taluks may be relieved of their magisterial functions and the Treasury Assistant Commissioners empowered to take up all the cases of such taluks.

II. The non-exercise of magisterial powers by some Amildars under the recent orders of Government has left them more time for revenue inspections, for hearing the personal representations of raiyats, for the collection of revenue, etc., and has proved very beneficial. All the other Amildars and Deputy Amildars may be likewise divested of magisterial functions which may be directed to be exercised by Sub-Divisional Assistant Commissioners. The present practice of investing Munsiffs with magisterial powers has very much increased their work. The practice of referring criminal cases to Amildars who have not been exercising magisterial powers may be put a stop to. The Amildars may also be divested of Police functions.

(i) In some places the Munsiffs are unable to dispose of both civil and criminal work quickly and there is delay in the disposal of cases. The experiment is therefore not working well.

Per contra—Messrs. Bhima Rao and Muninarayanasetti of Kolar said that the experiment was working well in Kolar and both classes of cases were being disposed of with despatch.

(ii) Sub-Registrars may be invested with magisterial powers.

Per contra.—Several members were against this proposal.

(iii) Amildars may be divested of Police powers.

Per contra.—Mr. M. K. Krishnamurti Rao and many other members were against this proposal.

(*b*) A special Magistrate may be appointed for a group of two or three taluks, and he should hold his court in each of the taluk head-quarters of the group for 10 or 15 days in the month, to dispose of the cases of that taluk only.

(*c*) Necessity of magisterial powers to Amildars.

Messrs. Veerappa Reddi, Chikguruva Reddi, Bangalore Taluk; and A. Venkatachar, Hole-Narsipur Taluk.

(*c*) As revenue officers intimately acquainted with the character of the people and the circumstances of the locality, Amildars by their experience and knowledge of human nature are the best qualified to administer fair justice, and the same cannot be expected of others. They should not be divested of magisterial powers. The City Magistrates of Bangalore and Mysore are overworked.

(*d*) Appointment of Honorary Village Magistrates and Munsiffs.

Messrs. Kesavaiengar, Belur Taluk, Lakshmi Narasimhachar, Chamrajnagar Taluk, Linge Gowda, Mysore Taluk, V. Raghavachar, Nanjangud Taluk and Nanjundasetty, Seringapatam Municipality.

(*d*) (i) Honorary Village Magistrates and Munsiffs elected by non-official bodies may be appointed to try petty cases with the aid of the Village Panchayets as this will minimize the work of the Law Courts and effect considerable savings in the expenses of litigation.

(ii) Bench Magistrates and Honorary Magistrates may be appointed in large towns.

(iii) Both Civil and Criminal powers may be given to these Magistrates.

Note.—This subject was fully discussed. The sentiment of the representatives of the agricultural classes seemed to be in favour of the Amildars being invested with powers. Several of the English-educated representatives were inclined to favour the separation of functions. Both sides were in favour of Honorary Magistrates being appointed.

Reply of Government.—Noted.

Withdrawn.

SUBJECT NO. 32.

Transfer of Judicial Officers once in two years.

Mr. H. P. Ramaswamiengar, Chikmagalur Municipality.

SUBJECT NO. 33.

Decrees against the enticers of coolies.

Mr. M. Subba Rao, Heggaddevankote Taluk.

Summary of discussion.—Coolies to whom large advances are given by land-holders are induced by others to leave their masters and work under the latter. The redress given in civil courts is practically useless since the coolies are paupers. It is therefore prayed that decrees in civil courts may be passed against such enticers or that criminal proceedings may be taken against them.

Reply of Government.—The law on the subject is not clear and a test case may be brought before the courts to get the question settled.

(iii) Amildars may be divested of Police powers.

Per contra.—Mr. M. K. Krishnamurti Rao and many other members were against this proposal.

(*b*) A special Magistrate may be appointed for a group of two or three taluks, and he should hold his court in each of the taluk head-quarters of the group for 10 or 15 days in the month, to dispose of the cases of that taluk only.

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